

Effective 10/1/2015

77-27-11 Revocation of parole.

- (1) The board may revoke the parole of any person who is found to have violated any condition of his parole.
- (2)
 - (a) If a parolee is confined by the Department of Corrections or any law enforcement official for a suspected violation of parole, the Department of Corrections shall immediately report the alleged violation to the board, by means of an incident report, and make any recommendation regarding the incident.
 - (b) No parolee may be held for a period longer than 72 hours, excluding weekends and holidays, without first obtaining a warrant.
- (3) Any member of the board may issue a warrant based upon a certified warrant request to a peace officer or other persons authorized to arrest, detain, and return to actual custody a parolee, and may upon arrest or otherwise direct the Department of Corrections to determine if there is probable cause to believe that the parolee has violated the conditions of his parole.
- (4) Upon a finding of probable cause, a parolee may be further detained or imprisoned again pending a hearing by the board or its appointed examiner.
- (5)
 - (a) The board or its appointed examiner shall conduct a hearing on the alleged violation, and the parolee shall have written notice of the time and location of the hearing, the alleged violation of parole, and a statement of the evidence against him.
 - (b) The board or its appointed examiner shall provide the parolee the opportunity:
 - (i) to be present;
 - (ii) to be heard;
 - (iii) to present witnesses and documentary evidence;
 - (iv) to confront and cross-examine adverse witnesses, absent a showing of good cause for not allowing the confrontation; and
 - (v) to be represented by counsel when the parolee is mentally incompetent or pleading not guilty.
 - (c) If heard by an appointed examiner, the examiner shall make a written decision which shall include a statement of the facts relied upon by the examiner in determining the guilt or innocence of the parolee on the alleged violation and a conclusion as to whether the alleged violation occurred. The appointed examiner shall then refer the case to the board for disposition.
 - (d) Final decisions shall be reached by majority vote of the members of the board sitting and the parolee shall be promptly notified in writing of the board's findings and decision.
- (6)
 - (a) Parolees found to have violated the conditions of parole may, at the discretion of the board, be returned to parole, have restitution ordered, or be imprisoned again as determined by the board, not to exceed the maximum term, or be subject to any other conditions the board may impose within its discretion.
 - (b) If the board revokes parole for a violation and orders incarceration, the board shall impose a period of incarceration consistent with the guidelines under Subsection 63M-7-404(5).
 - (c) The following periods of time constitute service of time toward the period of incarceration imposed under Subsection (6)(b):
 - (i) time served in jail by a parolee awaiting a hearing or decision concerning revocation of parole; and
 - (ii) time served in jail by a parolee due to a violation of parole under Subsection 64-13-6(2).

Amended by Chapter 412, 2015 General Session